



**PARK CITY MUNICIPAL CORPORATION**

**SOILS ORDINANCE AREA ENVIRONMENTAL MANAGEMENT SYSTEM**

**2004 ANNUAL REPORT**

**November 9<sup>th</sup>, 2004**

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## 1.0 INTRODUCTION:

In a cooperative effort with the Utah Department of Environmental Quality (UDEQ) and the United States Environmental Protection Agency (USEPA), Park City Municipal Corporation (PCMC) has agreed to the implementation of an Environmental Management System (EMS) to further protect human health and the environment within the Soils Ordinance Area. As a result the established goals of the EMS is to define the environmental procedures, monitoring, education, and controls for protecting residents and installed caps for containing underlying mine tailings. The EMS program was adopted and funded by the City Council on April 15<sup>th</sup> 2004<sup>1</sup>. Furthermore, due to the requirements within the EMS, the City Council also approved revision to the “Park City’s Landscaping and Maintenance of Soil Cover Ordinance”<sup>2</sup>.

This report represents PCMC 2004 Annual Report, which the City agreed to submit to USEPA and UDEQ in order to summarize the agreed upon EMS tasks that were completed this year.

## 2.0 SOIL MITIGATION COMPLIANCE PROGRAM

Within Tab 3 contains the current map of all properties within the original soils ordinance boundary that have been capped (identified as red) to date and are considered compliant with the ordinance. Regarding the lots identified in black, these are properties that have either not been sampled or have been sampled and are under enforcement for capping.

As agreed upon within the EMS proposal, PCMC chose to pursue a goal of capping 15 lots per year. That goal was exceeded this year resulting in 48 properties being issued “Certificate of Compliance” documents that verify the installation of a cap and acceptable cover. Out of the 48, 44 properties were capped in accordance with the conventional landscaping standard of 6” of clean top soil substrate and a vegetation layer.

Regarding the remaining four property owners, these lots were capped compliant with the xeriscape standard and no verification samples were procured. During the capping a weed barrier fabric was used and 6” of rock or bark for an acceptable cover. The xeriscape standard was a revision to the ordinance and provided owners with the flexibility of achieving compliance by implementing water conservation landscaping practices. Lastly, there were some owners that went even further with the xeriscape standard by installing a 6” clean top soil substrate, weed barrier, and 6” of bark or rock.

During the inspection of all properties seeking compliance, composite samples are procured from the front, back, and both sides of the dwelling. The samples are then submitted under a Chain of Custody to Chemtech-Ford Laboratory (State Certified) and analyzed for total lead. Once the final lab report is received and the property is determined to be compliant, the owner is issued a Certificate of Compliance, sampling narrative, results report, site map, and Homeowner BMP Brochure<sup>3</sup>. The City anticipates the number of compliant lots will increase by the end of the year, since the final lab reports have not been received for several properties. Table 1.0 represents the properties that were capped this year<sup>4</sup>:

**Capped Lots Table 1.0**

<b>Date Sampled:</b>	<b>Address</b>	<b>Database ID#</b>	<b>Lot Average</b>
3/23/2004	1971 Sidewinder Drive	64385	153.25
3/23/2004	1989 Sidewinder Drive	64385B	153.25
3/24/2004	2316 Comstock Drive	64385C	140.60
3/30/2004	2293 Wyatt Earp Way	64469	260.00
3/30/2004	2830 Butch Cassidy Court	64469B	310.00

<sup>1</sup> Tab 1 - Resolution and EMS Staff Report - 4/15/04

<sup>2</sup> Tab 2 - Chapter 15 – 11-15-1 Building Code

<sup>3</sup> Tab 4 - Contains a typical sampling report.

<sup>4</sup> List includes lots within the original and expanded ordinance area.

5/6/2004	1705 Bonanza Drive	65057C	14.00
5/12/2004	2320 Calumet Circle	65138C	Complete Xeriscape
5/12/2004	2644 Annie Oakley Drive	65138B	82.50
5/18/2004	2472 Lily Langtry Court	65244	236.00
5/21/2004	2238 Samuel Colt Court	65351	45.83
5/27/2004	186 MAIN STREET	52604	Building Cap <sup>5</sup>
6/2/2004	2800 Annie Oakley Drive	65558	Complete Xeriscape
6/4/2004	262 Grant Ave A	65620	121.00
6/4/2004	SA254-10-A Iron Horse Loop	65620B	31.00
6/9/2004	1490 West Munchkin Road	66188	176.67
6/16/2004	1326 Park Avenue	61604	Complete Xeriscape
6/16/2004	2538 Geronimo Court	65808B	68.00
6/16/2004	2684 Annie Oakley Drive	65809	183.40
6/21/2004	2660 Sidewinder Drive	65888	58.00
6/21/2004	2920 Cochise Court	65888B	38.00
6/23/2004	1400B SULLIVAN LANE	L60907-01A	15.00
6/25/2004	2219 Monarch Drive	65994	197.75
7/6/2004	2198 Ina Avenue	66188B	64.00
7/6/2004	2323 Comstock Drive	66188D	39.00
7/13/2004	2370 DOC HOLLIDAY DRIVE	66265B	21.00
7/13/2004	2840 Sidewinder Drive	66265C	14.67
7/19/2004	2500 WYATT EARP	71904	157.85
8/13/2004	1280 PARK AVE	66913	15.67
8/13/2004	2261 INA AVENUE	081304B	Complete Xeriscape
8/16/2004	2237 Monarch Drive	66927	22.00
8/24/2004	2209 Doc Holliday Drive	67126B	22.67
8/24/2004	255 MAIN STREET #A	67126	130.00
9/22/2004	1926 PROSPECTOR AVE	67711D	80.00
9/22/2004	2321 CALUMET CIRCLE	67711	74.00
9/22/2004	2630 SIDEWINDER DRIVE	67711C	15.50
9/22/2004	2735 Sidewinder Drive	67711B	18.67
9/23/2004	1420 PARK AVE	67748C	12.00
9/23/2004	2166 SIDEWINDER DRIVE	67748	11.54
9/28/2004	1750 PARK AVENUE	67837	41.40
10/5/2004	2293 Buffalo Bill Drive	67965	17.00
10/5/2004	2306B MONARCH DR	67965AB	143.33
10/7/2004	2166 COMSTOCK DRIVE	68058C	26.00
10/11/2004	2360 Holiday Ranch Loop Road	4814000194	188.40
10/12/2004	154 MARSAC AVENUE	L62611-01A	12.00
10/12/2004	2124 SIDEWINDER DRIVE	68136B	117.75
10/12/2004	2173 SUNRISE CIRCLE	68136	21.00
10/26/2004	2237 LITTLE BESSIE AVENUE	68359D	14.00
10/26/2004	2322 CALUMET CIRCLE	68359C	83.50

### 3.0 REVISED SOILS ORDINANCE - ADOPTED 12/11/03

The revisions to the “Landscaping and Maintenance of Soil Cover Ordinance” found within Park City Building Code Chapter 11-15 was adopted by the City Council on December 11<sup>th</sup> 2003<sup>6</sup>. These revisions comprised of recommendations from the Soils Stakeholder Group and were mutually agreed upon by this committee, which includes representatives from USEPA, UDEQ, and Summit County Health Department.

The following is a summary of the amendments to the ordinance which has been included within this report:

<sup>5</sup> Lot is capped lot line to lot line with building structure, no landscaping.

<sup>6</sup> Tab 2 - Revised Ordinance

- Acceptable cover has been expanded from just grass and vegetation cover to include xeriscape landscaping practices. Specifically the standard requires a weed barrier fabric and 6" of rock or bark.
- Soils are strictly prohibited from being transported or reused outside the Soils Ordinance Boundary.
- Soils being disposed of are to be characterized for arsenic and lead and disposed of within a permitted facility depending on the TCLP characteristics.
- Allows the reuse of soils within the Soils Ordinance Boundary providing the area is capped and the Building Department pre-approves the site.
- The boundary has been redrawn to exclude Chatham Crossing due to PCMC, USEPA, and UDEQ concurring that the area does not pose a threat to human health or the environment. This was based on evaluating several years of soils data that further substantiated this claim<sup>7</sup>.
- The boundary has been expanded to include the Transit Center and the CERCLIS Marsac Mill Site. The purpose of including the Transit Center was to protect the facility and the Marsac Mill site, which is known to contain elevated levels of heavy metals.
- Lots non-compliant with the ordinance are required to conform by December 31, 2004<sup>8</sup>.
- Non-sampled and uncharacterized lots are to be sampled by the end of 2006.
- Non-compliance is considered a nuisance and enforced as a Class B Misdemeanor.
- The lot-testing fee for compliance has been waived and is now done without a \$100.00 charge to the owner. In addition, the City conducts sampling on generated soils destined for disposal and there is no charge for TCLP analysis.

## 4.0 ANNUAL LOT RISK ASSESSMENT

The risk assessment was completed for Area 1 and two properties identified as 2307 and 2230 Doc Holliday Drive were identified as a nuisance and sent two enforcement letters.

The property owner for 2307 Doc Holliday Drive was taken to court and plead guilty for non-compliance and the City is seeking compliance by the end of the year. The property identified as 2230 Doc Holliday Drive was also taken to court and they are currently re-landscaping the property in order to attain compliance. PCMC anticipates that both properties will be completed by the end of the year and compliant with the ordinance.

### 4.1 Lot Sampling

During 2004 three community information meetings were held in Park City for the purpose of informing residents of the EMS program and obtaining volunteers that were willing to have their property sampled. The Prospector residents and the Home Owners Association administered the meetings, which were held at various homes within the community. The announcement of these meetings was through a written correspondence drafted by the Soils Stakeholder Group members and distributed to Prospector residents on May 28<sup>th</sup> 2004.

The volunteers consisted of two groups of property owners, Group I (34) were residents that had capped their property and had received a Certificate of Compliance and wanted to participate in the follow-up data collection efforts. These are the properties that were field sampled by AMEC Consulting using the XRF instrumentation method.

Group II (24) were owners of property that had made landscaping improvements during the 1990's or participated in the Improvement District time frame (1988), but had never gotten the property sampled to determine eligibility for the "Certificate of Compliance". Since these properties were seeking compliance, they were sampled by PCMC and analyzed with wet chemistry by Chem-Tech Ford located

<sup>7</sup> Tab 5 – Map of revised Soils Ordinance Boundary

<sup>8</sup> Tab 6 – PCMC Enforcement Letter

in Salt Lake City.

On June 30<sup>th</sup> 2004, a letter<sup>9</sup> was sent to the XRF volunteers making them aware that the sampling would occur during the week of July 12<sup>th</sup> 2004. For Group I, a total of thirty-four properties were sampled (four of these are owned and have been capped by PCMC). Also, within this dataset were two properties that were sampled due to home buyers requesting the test as a contingency of the purchase. Of the Group I properties, only four were found to have lead averages exceeding the EMS standard. For the four lots that exceeded the EMS standard, one lot was determined to have undergone complete disturbance of the surface area, which is in violation of the ordinance. The owner of 2213 Little Bessie agreed to re-cap the property by the end of the year with City assistance from the Top Soil Assistance Program (See Section 10.0). On October 17<sup>th</sup> 2004, this property known was re-sampled and reflected lead levels averaging 16.50 ppm lead. The remaining three lots had elevated lead levels in specific areas of the property and those areas have also been mitigated. Of the Group I data set, four properties are owned by PCMC and are identified as:

- 2500 Wyatt Earp – Prospector Park
- Kearns Buffer Area 1
- Kearns Buffer Area 2
- Kearns Buffer Area 3

#### **4.2 XRF Results<sup>10</sup>**

As previously stated, for the thirty-three lots that were sampled, four properties failed to be below the EMS 1000 ppm lead threshold. The following are the lots that exceeded the EMS threshold:

- |                             |             |
|-----------------------------|-------------|
| • 2141 Belle Starr Court    | 1034.44 ppm |
| • 2015 Prospector Avenue    | 1142.86 ppm |
| • 2267 Samuel Colt Court    | 1234.80 ppm |
| • 2213 Little Bessie Avenue | 1677.98 ppm |

The other 29 XRF sampled lots passed with the majority of the results being below USEPA Health Based Risk Standard of 400 ppm. Overall there were 210 XRF readings that were obtained by AMEC Consulting resulting in an overall average of 376.70 ppm lead. The property identified as 2015 Samuel Colt Court, this property is a vacant lot which the owner has plans to build on in the near future. PCMC assumes that this lot exceeded the threshold because of test holes being dug to accommodate geo-tech sampling. After this property is fully developed and landscaped, PCMC will require the property owner comply with the 200 ppm “new landscaping” standard. For the remaining three lots that exceeded the EMS standard, as previously stated one lot was determined to have undergone a complete surface disturbance, which is in violation of the ordinance. The owner of this property agreed to re-cap the lot by the end of the year. Concerning the remaining three lots which had elevated XRF lead readings in specific areas, the owners have submitted plans to remedy these areas and once complete will be re-sampled by PCMC. For volunteers that participated in the program PCMC provided these residents with a letter that stated when their property was sampled and the results<sup>11</sup>. It should also be noted that these letters also included the Homeowner BMP Brochure for further education. Lastly, these owners having participated in the EMS program were also eligible for the Top Soil Assistance Program (Section 10.0) and were reimbursed for the corrective actions.

#### **4.3 Wet Chemistry Results<sup>12</sup>**

The 24 lots that were sampled and analyzed with wet chemistry were all compliant with the EMS standard. Overall 128 samples were procured from these properties resulting in an average lead

<sup>9</sup> Tab 7 Letter to Residents on XRF sampling.

<sup>10</sup> Tab 8 - XRF Sampling Results

<sup>11</sup> Tab 9 - XRF Sampling Results Letter

<sup>12</sup> Tab 10 - Wet Chemistry Sampling Results

concentration of 471.21 ppm. It should also be noted that there were some owners that decided to re-landscape their property regardless of the property passing the EMS benchmark. For instance, the owner of 2293 Doc Holliday Drive was not satisfied with the results and decided to re-landscape the whole yard to reduce the lead level exposure. Also, 2150 Belle Starr Court property had a small section that tested 2000 ppm lead and the property owner re-landscaped the area using the xeriscape standard. Lastly, the property at 2189 Comstock Drive found the backyard to exhibit 1600 ppm lead; this resulted in the backyard being completely recapped with 6" of clean topsoil and a sod layer. These owners having participated in the EMS program were also eligible for the Top Soil Assistance Program (Section 10.0) and were reimbursed for the corrective actions.

## **5.0 NON-COMPLIANT LOTS**

On February 6th 2004, twenty-one properties were provided with a "Final Notice"<sup>13</sup> before being referred to the City Attorney's Office for enforcement. Within that notice they were required to submit a work plan by June 1st 2004 in order to avoid enforcement. With the exception of four owners, seventeen owners responded or contacted the City to convey the time line that has been chosen to become compliant. The remaining four that ignored the notices were submitted to the City Attorney's Office on August 4<sup>th</sup> 2004 for enforcement. The non-compliant list has thirteen new properties that were sampled this year and determine to have non-compliant lead levels exceeding the ordinance standard. These properties will be provided with a second notice in 2005 before being referred to the legal department. The City anticipates that some of these properties will be corrected this year without receiving a final notice since work is in progress. Regarding the seventeen that submitted a work plan and do not complete the work this year, these owners will also be referred to the legal department for enforcement in the event the work is not completed within 2004.

## **6.0 EDUCATION AND OUTREACH**

In order to assist with the educational and outreach of the EMS obligations, PCMC developed two products named "Park City Environmental Information Handbook" and "Soils Ordinance Home Owners BMP Brochure". The Environmental Information Handbook<sup>14</sup> was printed and the following information was contained within this guide:

- Ordinance FAQ's.
- Ordinance Boundary Map
- Addresses within Boundary
- Streets within Boundary
- Compliance Map
- Landscaping Recommendations
- Storm water BMPs
- Conservation Reserve Program
- Open Space Information
- Recycling Program
- Household Waste Oil Acceptors
- Water Treatment Information
- Drinking Water Information
- Contacts and Reference (This section included the county contact for blood lead testing.)

The handbook was well received by those that received the book, since it clarified some misunderstandings the community had with the ordinance. Because the ordinance has been revised, a new handbook will be printed by the end of 2004 and distributed. The handbook was sent to the following entities as a reference:

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<sup>13</sup> Tab 6 - Enforcement Letter

<sup>14</sup> Tab 11

- Prospector Residents
- Real Estate Agents
- Land Management
- HOA's
- Homebuyers
- PCMC employees
- Contractors
- Building Permit permittees

The second outreach product developed, was the Home Owners Best Management Practice Brochure<sup>15</sup>. This product was made available in the Building and Planning Department and was sent to the EMS outreach contacts that were agreed to in the proposal that was adopted by the City Council April 30<sup>th</sup> 2004.

### **6.1      *Soil Ordinance Resident Notices*<sup>16</sup>**

On August 4<sup>th</sup> 2004, residents that have been issued a "Certificate of Compliance" were sent a lead awareness letter. The purpose of the letter was to make them aware of the underlying lead levels that are contained by the installed clean topsoil cap. For those that received this correspondence, the City had historical data of the initial sampling that occurred for the lot before it was capped. This data was queried from the Environmental Database and all lots with an underlying lead level that exceeded the USEPA Health Based Risk Standard (400 ppm lead) for residential property received this correspondence (322). Regarding the Soils Ordinance Home Owners BMP brochure, this information was sent to all addresses (991) within the boundary on August 1<sup>st</sup> 2004. Also newly issued "Certificate of Compliance" documents that are sent to the owner, receive this brochure. And lastly, as previously stated the brochure is also made available at the Marsac Building and public library for the public.

### **6.2      *Summit County Lead Screening Services***

The Summit County Blood Lead Screening Service was mentioned in both the Homeowner BMP Brochure and the Environmental Information Handbook under contacts and FAQs. The address and phone number contacts for the county testing program were documented in these two outreach products for those residents that wish to be tested.

### **6.3      *New Residents and Renters Orientation*<sup>17</sup>**

PCMC has supplied the Environmental Information Handbook and BMP brochure to land management and real estate agencies. Tab 13 represents the letter that was sent along with the brochures, which were sent to those companies on August 2<sup>nd</sup> 2004. The Building Department receives numerous calls from prospective buyers and real estate agents requesting information handbook and BMP brochure.

### **6.4      *Real Estate Agent Orientation***

Real Estate agencies were provided with the Environmental Information Handbook and BMP brochure for distribution and to make them aware of the ordinance standards<sup>18</sup>. Nineteen agencies were sent this information on August 2<sup>nd</sup> 2004. Furthermore, the Real Estate Community has been educated by presenting at the Park City Board of Realtor's meetings. During the meetings the handbook is distributed along with ordinance boundary maps, so there is no confusion regarding the boundaries.

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<sup>15</sup> Tab 11

<sup>16</sup> Tab 12

<sup>17</sup> Tab 13

<sup>18</sup> Tab 14



## **6.5     *Lead Awareness Campaign to Local Physicians*<sup>19</sup>**

On August 2<sup>nd</sup> 2004, five clinics were sent an awareness correspondence along with numerous BMP brochures for distribution. The correspondence also contained a list of streets that are within the ordinance for reference purposes. Within that letter PCMC encourages physicians to test for blood lead for those clients residing within the Soils Ordinance Boundary.

## **7.0     PROSPECTOR SAMPLING RECORDS AND DATA**

PCMC has developed a comprehensive database to track lot compliance and analytical results. The database has been populated with all analytical results dating back to 1985. This data includes initial sampling projects as well as verification sampling results that are conducted after the cap is installed. The system is integrated into a GIS ArcMap project that plots all capped lots and spatial evaluations can be conducted in regards to lead levels. Recently this system has been recognized by the National League of Cities and the City views the application as a necessary component for administering the EMS.

## **8.0     PROSPECTOR DRAIN OUTFALL<sup>20</sup>**

This year PCMC constructed a pilot anaerobic wetland cell to determine the effectiveness of precipitating out the zinc within the Prospector drain. Dr. Fitch with the University of Missouri Rolla Civil Environmental Engineering Department along with a graduate student assisted in the design and construction. Dr. Fitch combined his visit with a sampling trip to a full-scale treatment unit at a zinc smelter plant in Trail Canada.

The pilot is located on the north side of the berm from the Prospector pond and is 2' deep, 4' wide and 7' long. It is lined with 20 mil plastic and is fed water at a rate of 1/gpm from a sump that was installed in the manhole situated on top of the berm. Regarding the substrate the unit required two cubic yards of 1.5" gravel and one cubic yard of sand, which was mixed on site in a wheelbarrow. The substrate consists of 60% Douglas Fir wood chip, 5% activated sludge with the remainder sand and gravel.

- Chip Bark: 60%
- Gravel: 20%
- Sand: 15%
- Manure and/or sludge: 5%

The plan is to run this unit for a 12 month period to determine the level of effectiveness for treating the zinc. Currently, the pilot appears to be reducing the zinc concentrations from an average of 6.2 mg/l to 2.6 mg/l (Tab 11 Prospector Drain and Tab 12 Pilot Results)<sup>21</sup>. The City will continue to monitor the pilot to evaluate seasonal fluctuations and effectiveness during the winter months.

Regarding the Prospector Drain flow, the City has not discovered a seasonal fluctuation during the period that the drain has been monitored<sup>22</sup>. As a result, the question remains that if Silver Creek is a losing stream, it appears that it is not affecting the flow that is originating from this drain. Nonetheless, as previously stated the City will continue to monitor the drain and the pilot to further determine the feasibility of passive treatment.

## **9.0     WORKER HEALTH AND SAFETY<sup>23</sup>**

For all external and internal utility or contract workers involved in generating soils and earthwork, they have been provided with a Worker Health and Safety Notice and recommended protective equipment. It is PCMC intent in provide this information to workers and make them aware of the practices that they can employ to minimize exposure to them and their families.

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<sup>19</sup> Tab 15

<sup>20</sup> Tab 16

<sup>21</sup> Tab 16 – Prospector Drain Results – Tab 17 Treatment Pilot Results

<sup>22</sup> Flow rate average 121,934 g/d

<sup>23</sup> Tab 18 – Worker Health and Safety Notice

## **10.0 TOP SOIL ASSISTANCE PROGRAM (TSAP)<sup>24</sup>**

Consistent with Council policy direction and to encourage accelerated compliance with the Soils Ordinance, the City has budgeted \$32,000 in Fiscal Year 2005 and \$15,000 Fiscal Year 2006. The implementation of the proposed TSAP is to provide property owners with assistance and incentive to procure compliant topsoil to adequately cap properties with known elevated lead levels. The TSAP has been divided into two funding phases; Phase I is specific to lots within the Original Ordinance Boundary (Prospector) and a Phase II is for the properties within the entire Soils Ordinance Boundary (Original and Expanded). The program was approved and funded by the City Council on August 11<sup>th</sup> 2004 and is administered by the Building Department. Upon issuance of a Certificate of Compliance the owner is provided with a TSAP summary fact sheet<sup>25</sup> and instructions for reimbursement.

To date ten property owners have participated in the TSAP, resulting \$ 5,539.44 being reimbursed for the purchase of acceptable cover. The City believes that the Phase II component of this program is a long-term incentive for property owners that need to cap due to elevated lead levels exceeding the ordinance threshold.

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<sup>24</sup> Tab 19 – TSAP Program

<sup>25</sup> Tab 20 – TSAP Summary Sheet